

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 05, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

MONSON FRUIT CO. LLC., f/k/a  
MONSON FRUIT CO. INC., d/b/a  
MONSON FRUIT CO.,

Defendant.

No. 1:22-cv-03100-MKD  
No. 1:22-cv-03133-MKD

AMENDED<sup>1</sup> ORDER GRANTING  
MOTION TO INTERVENE AS  
PLAINTIFF AND TO  
CONSOLIDATE CASES

**ECF No. 4**

Brenda Sanchez Cossio seeks leave to intervene as a plaintiff in Case No.

<sup>1</sup> On December 12, 2022, the Court issued an order granting Ms. Sanchez Cossio's Motion to Intervene as Plaintiff and Consolidate, ECF No. 4, in Case No. 1:22-cv-03133-MKD. ECF No. 14. Based on the standard practice of the Clerk's Office of the Eastern District of Washington, the Court consolidated the second-filed case, Case No. 1:22-cv-03133-MKD, into the first-filed case, Case No. 1:22-cv-03100-MKD. However, it has come to the Court's attention that the parties intentionally sought the opposite: consolidation of the first-filed case, Case No. 1:22-cv-03100-MKD into the second-filed case, Case No. 1:22-cv-03133-MKD.

1 1:22-cv-03133-MKD pursuant to Federal Rule of Civil Procedure 24(a)(1) and to  
2 consolidate Case No. 1:22-cv-03100-MKD<sup>2</sup> with Case No. 1:22-cv-03133-MKD  
3 pursuant to Federal Rule of Civil Procedure 42(a). *See* Case No. 1:22-cv-03133-  
4 MKD, ECF 4. The Equal Employment Opportunity Commission agrees that Ms.  
5 Sanchez Cossio's motion should be granted. Case No. 1:22-cv-03133-MKD, ECF  
6 No. 6 at 2. Defendant does not oppose Ms. Sanchez Cossio's request to intervene  
7 and consolidate. Case No. 1:22-cv-03133-MKD, ECF No. 12 at 1. The Court has  
8 reviewed the motion and the record and is fully informed. The Court finds good  
9 cause to grant the motion and consolidate Case No. 1:22-cv-03100-MKD into Case  
10 No. 1:22-cv-03133-MKD.

11 **IT IS ORDERED:**

12 1. To the extent that this Order contradicts the December 12, 2022 Order, this  
13 Order **GOVERNS**.

14 2. Brenda Sanchez Cossio's Motion to Intervene as Plaintiff and Consolidate,  
15 **ECF No. 4**, is **GRANTED**.

16 3. The District Court Executive shall **REOPEN** Case No. 1:22-cv-03133-  
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18 <sup>2</sup> Case No. 1:22-cv-03100 was previously assigned to another judicial officer. It  
19 was reassigned to the undersigned judicial officer to effectuate consolidation. *See*  
20 Case No. 1:22-cv-03100, ECF No. 19.

1 MKD.

2 4. The District Court Executive shall **CONSOLIDATE** Case No. 1:22-cv-  
3 03100-MKD **INTO** Case No. 1:22-cv-03133-MKD.

4 5. The District Court Executive shall **CLOSE** 1:22-cv-03100-MKD.

5 6. The parties **shall** submit all further filings in Case No. 1:22-cv-03133-MKD.

6 7. Ms. Sanchez Cossio's Complaint in Intervention, ECF No. 4-1, is deemed  
7 filed of as October 6, 2022, and served the date this Order is entered.

8 8. Defendant shall respond to the Complaint in Intervention within the limits  
9 established by the Federal Rules of Civil Procedure.

10 **IT IS SO ORDERED.** The District Court Executive is directed to file this  
11 order and provide copies to the parties.

12 DATED January 5, 2023.

13 s/Mary K. Dimke  
14 MARY K. DIMKE  
UNITED STATES DISTRICT JUDGE